

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DEBORAH DENESE YOUNG,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner,  
Social Security Administration

Defendant.

Case No. 3:14-cv-00200-RCJ-VPC

REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

**I. BACKGROUND**

On April 15, 2014, plaintiff filed an application to proceed *in forma pauperis* together with a complaint for judicial review of an administrative action by the Secretary of Health and Human Services denying plaintiff's claim for disability benefits under the Social Security Act (#1). Before the court was able to rule on the application to proceed *in forma pauperis*, plaintiff filed a motion to dismiss her application and the complaint for judicial review pursuant Fed.R.Civ.P. 41. Therefore, it is recommended that plaintiff's complaint be dismissed without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within fourteen days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report

1 and Recommendation” and should be accompanied by points and authorities for consideration by  
2 the District Court.

3 2. This report and recommendation is not an appealable order and any notice of appeal  
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court’s  
5 judgment.

6 **III. RECOMMENDATION**

7 IT IS THEREFORE RECOMMENDED that the district court enter an order as follows:

- 8 1. Deeming the application for *in forma pauperis* (#1) **WITHDRAWN**;  
9 2. **GRANTING** the plaintiff’s motion to dismiss (#2); and  
10 3. **DISMISSING** this action without prejudice.

11 DATED: May 16, 2014.

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14 UNITED STATES MAGISTRATE JUDGE  
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